

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-39547 of 2015

Date of decision: 30.03.2016

Amandeep Singh & others

----Petitioner (s)

V/s

State of Punjab & others

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Pritam Saini, Advocate for the petitioners.

Mr. R.S. Nain, AAG, Punjab.

Mr. Rajesh Kumar, Advocate
for respondent No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.87 dated 01.07.2015 registered under Sections 353, 186, 332, 147, 149 IPC, at Police Station Kharar, District SAS Nagar (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise dated 26.08.2015 (Annexure P-2).

This Court vide order dated 26.11.2015 had directed the parties to appear before the learned Illaqa Magistrate on 11.01.2016 or any other date convenient to the Court to get their statements recorded with regard to compromise and the learned Magistrate was

directed to submit report qua the genuiness of the compromise along with the copies of statements of the parties.

Pursuant to the aforesaid order dated 26.11.2015, the parties have appeared before learned Sub Divisional Judicial Magistrate, Kharar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 15.01.2016 to the effect that the parties have willfully settled their differences and reached at a bona fide compromise without any pressure and the same is genuine.

The Statement suffered by complainant-respondent No.2, namely, *Harinder Singh* son of Shri Karam Singh with regard to validity of the compromise before learned Magistrate on 11.01.2016, reads as under:-

“Stated that I have compromised the matter in dispute with the accused namely Amandeep singh S/o Raja Singh @ Hans Raj, Gobind Singh s/o late Sh. Jai Pal Singh, Manpreet Singh S/o late Sh. Jang Singh, Varinder Singh S/o Sh. Surjit Singh, Hardip Singh S/o Sh. Balwinder Singh, Kuldip Singh S/o late Sh. Raghbir Singh, Narinderjit Singh S/o Sh. Dharampal Singh and Gurcharan Singh, S/o Sh. Amarjit Singh all R/o Village Jhanjheri, Tehsil Kharar, Distt. SAS Nagar, Mohali under FIR No.87 dated 01.07.2015 under Section 353, 186, 332, 147, 149 IPC registered at P.S. Sadar Kharar, District SAS Nagar, Mohali out of my free Will without any coercion, inducement, threat or pressure. I have no objection if the above said FIR No.87 dated 01.07.2015 under Section 353, 186, 332, 147, 149 IPC registered at P.S. Sadar Kharar is quashed.”

Similar statement was also made by respondent No.3, namely, Sukhwant Singh(injured) qua the genuineness of the compromise before the learned Magistrate on 11.01.2016.

Apart from the statement of the complainant-respondent

No.2-Harinder Singh and respondent No.3-Sukhwant Singh(injured), whereby they have shown no objection to the FIR being quashed, there is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Learned counsel for respondents No. 2 and 3 admits the factum of compromise arrived at between the parties.

Learned counsel for the State has also not disputed the factum of compromise arrived at between the parties.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.87 dated 01.07.2015 registered under Sections 353, 186, 332, 147, 149 IPC, at Police Station Kharar, District SAS Nagar (Annexure P-1), and all the consequential proceedings arising therefrom, qua the petitioners, are quashed, in view of the compromise dated 26.08.2015 (Annexure P-2).

30.03.2016
Anjal

[HARI PAL VERMA]
JUDGE